

1 Michael R. Kealy,  
2 Nevada Bar No. 971  
3 Ashley C. Nikkel,  
4 Nevada Bar No. 12838  
5 PARSONS BEHLE & LATIMER  
6 50 W. Liberty Street, Suite 750  
7 Reno, Nevada 89501  
8 Telephone: (775) 323-1601  
9 Facsimile: (775) 348-7250  
10 Email: mkealy@parsonsbehle.com  
11 anikkel@parsonsbehle.com

12 – and –

13 Gregory T. Lawrence, Esq.  
14 (*Admitted Pro Hac Vice*)  
15 Kyle S. Kushner, Esq.  
16 (*Admitted Pro Hac Vice*)  
17 CONTI FENN & LAWRENCE LLC  
18 36 S. Charles Street, Suite 2501  
19 Baltimore, Maryland 21201  
20 Telephone: (410) 837-6999  
21 Facsimile: (410) 510-1647  
22 Email: greg@lawcfl.com  
23 kyle@lawcfl.com

24 Attorneys for Plaintiff/Counter-Defendant  
25 BARTECH SYSTEMS INTERNATIONAL, INC.

26  
27 UNITED STATES DISTRICT COURT  
28 DISTRICT OF NEVADA

29 BARTECH SYSTEMS INTERNATIONAL,  
30 INC., a Delaware corporation,

31 Plaintiff,

32 vs.

33 MOBILE SIMPLE SOLUTIONS, INC., a  
34 Delaware corporation, MOBILE SIMPLE  
35 SOLUTIONS (IAS), INC., a Canadian  
36 corporation, GEM SA, a Belgian corporation,  
37 VINCENT TESSIER, an individual,  
38 CHRISTELLE PIGEAT, an individual,

39 Defendants.

40 Case No. 2:15-cv-02422-MMD-NJK

41  
42 **STIPULATION AND ORDER FOR  
43 EXTENSION OF JOINT PROPOSED  
44 PRETRIAL ORDER DEADLINE  
45 (Seventh Request)**

1 MOBILE SIMPLE SOLUTIONS, INC., a  
2 Delaware corporation, VINCENT TESSIER,  
3 an individual, CHRISTELLE PIGEAT, an  
individual, GEM SA, a Belgian corporation,

4 Counterclaimants,

5 vs.

6 BARTECH SYSTEMS INTERNATIONAL,  
INC., a Delaware corporation,

7 Counterdefendant.

8  
9 Pursuant to the provisions of Federal Rule of Civil Procedure 6 and Local Rules IA 6-1, 7-1,  
10 and 26-4, Plaintiff and Counter-defendant Bartech Systems International, Inc. (“Bartech”) and  
11 Defendant and Counterclaimant GEM SA (“GEM”), by and through their attorneys, hereby  
12 stipulate and agree that an extension by ninety (90) days to March 13, 2018 of the deadline for  
13 submission of the proposed Joint Pretrial Order presently set for December 13, 2017 is necessary for  
14 good cause shown. This is the seventh request for an extension of a scheduled deadline.

15  
16 **STIPULATION**

17 GEM and Bartech jointly agree that an extension by ninety (90) days to March 13, 2018 of  
18 the deadline for submission of the proposed Joint Pretrial Order presently set for December 13,  
19 2017 is necessary for good cause shown. A Motion to extend a deadline set by a Scheduling Order  
20 must be supported by a showing of “good cause.” Fed. R. Civ. P. 6(b)(1)(A); *see also* LR 26-4.  
21 This Court’s Scheduling Order set the deadline for submission of the proposed Joint Pretrial Order  
22 presently scheduled for December 13, 2017. Order (ECF No. 332 at 1). That deadline cannot  
23 reasonably be met by the parties due to discovery authorized by this Court that remains to be  
24 completed. In addition, the deadline for submission of the proposed Joint Pretrial Order cannot  
25 reasonably be met until resolution of the parties’ ongoing dispute concerning written discovery.

Discovery authorized by this Court that remains to be completed includes the depositions of GEM's corporate designee and expert. *See Order* (ECF No. 426) (granting Bartech's request for a deposition of GEM's expert); Min. of Proc. (ECF No. 423) (noting this Court's oral Order compelling GEM's corporate designee deposition in Las Vegas, Nevada).

Moreover, this Court issued an Order providing a schedule for the submission to this Court of the parties' dispute concerning written discovery. *See* Order (ECF No. 415 at 2-3). The parties must meet and confer by December 29, 2017. *Id.* at 2. The parties must then file a joint statement regarding each discovery request for which a dispute exists after the meet and confer. *Id.* Therefore, the parties' ongoing dispute concerning written discovery will not be resolved before the December 13, 2017 deadline for the submission of the proposed Joint Pretrial Order.

The foregoing discovery authorized by the Court must be taken and the foregoing discovery dispute must be resolved before the parties are positioned to file the proposed Joint Pretrial Order. That is because the proposed Joint Pretrial Order requires the parties to, among other things, identify exhibits and specific portions of deposition transcripts to be offered at trial. *See* LR 16-3(b)(8), (10). The parties are unable to delineate exhibit lists until the universe of potential exhibits is defined by resolution of the parties' written discovery dispute. Likewise, the parties are unable to designate specific portions of deposition transcripts to be offered at trial where certain depositions remain to be taken.

## CONCLUSION

For the foregoing reasons, GEM and Bartech jointly agree that an extension by ninety (90) days to March 13, 2018 of the deadline for submission of the proposed Joint Pretrial Order presently scheduled for December 13, 2017 is necessary for good cause shown.

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111

1 DATED: December 13, 2017

2  
3 PARSONS BEHLE & LATIMER

4       /s/ Michael R. Kealy  
5 Michael R. Kealy, Esq.  
6 Nevada Bar No. 971  
7 Ashley C. Nikkel, Esq.  
8 Nevada Bar No. 12838  
9 50 W. Liberty Street, Suite 750  
Reno, Nevada 89501  
Telephone: (775) 323-1601  
Facsimile: (775) 348-7250  
E-mail: mkealy@parsonsbehle.com  
anikkel@parsonsbehle.com

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36 S. Charles Street, Suite 2501  
17 Baltimore, MD 21201  
Telephone: (410) 837-6999  
18 E-mail: greg@lawcfl.com  
kyle@lawcfl.com  
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20 Attorneys for Plaintiff/Counter-defendant  
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22 For good cause shown, the joint pretrial order deadline is extended to March 13,  
2018.

23 IT IS SO ORDERED.

24 Dated: December 14, 2017

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26 DATED: December 13, 2017

27  
28 GREENE INFUSO, LLP

29       /s/ Michael V. Infuso  
30 *(Signed by filing attorney with  
with permission of counsel)*  
Michael V. Infuso, Esq.  
Nevada Bar No. 7388  
Keith W. Barlow, Esq.  
Nevada Bar No. 12689  
3030 South Jones Boulevard, Suite 101  
Las Vegas, Nevada 89146  
Telephone: (702) 570-6000  
Facsimile: (702) 463-8401  
E-mail: minfuso@greenieinfusolaw.com  
kbarlow@greenieinfusolaw.com

31 Attorneys for Defendant/Counterclaimant

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